

BERLIN POLICE DEPARTMENT
BERLIN, MARYLAND

SUBJECT: EMERGENCY OPERATION OF DEPARTMENT VEHICLES		NO: 400 E-2
APPROVED/EFFECTIVE DATE May 12, 2003/Oct 9, 2003	AMENDS	RESCINDS
DISTRIBUTION/DATE October 9, 2003	REFERENCES: Ocean City Police Department 2003 General Orders	

- .10 Members operating an emergency vehicle shall do so with due regard for the safety of others. Members shall not be relieved of the duty to exercise such reasonable care and diligence as the circumstances of the situation may impose.
- .20 The Maryland Vehicle Law SS 21-106 (Transportation Article, Maryland Annotated Code) enumerates the privileges an operator of an emergency vehicle may exercise when responding to an emergency call; when pursuing a violator, or suspected violator; or when responding to, but not returning from, a fire alarm. The enumerated privileges under these circumstances include ability to:
- A. Park or stand without regard to the other provisions of this title;
 - B. Pass a red or stop signal; a stop sign, or a yield sign, but only after slowing down as necessary for safety;
 - C. Exceed any maximum speed limit, but only so long as the driver does not endanger life or property; and
 - D. Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction.
- .30 An officer is required to sound the vehicle's audible signal (siren) as well as to activate the emergency lights when responding to an emergency so as to avail him/herself of these privileges.
- .40 Within the Berlin Police Department there shall be two authorized forms of police response to calls for service by departmental vehicles.

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- A. CODE ONE - Response without use of audible and visual equipment together. All traffic laws are to be obeyed and no unnecessary risks are to be taken by the officer during his/her response. The officer is to operate his/her vehicle in the same manner, and follow the same guidelines, as a citizen would adhere to in the normal operation of his/her vehicle.
 - B. CODE THREE - Response with the use of audible and visual signals to a real or perceived emergency. Members utilizing Code Three must comply with all provisions of the Maryland Transportation Article, Section 21-106.
- .50 It shall be noted that operation of a departmental vehicle with visual signals only (which in the past was referred to as Code Two), does not comply with the necessary provision of law defining an emergency vehicle under Transportation Article, Section 21-106. Therefore, any departmental personnel utilizing visual signals only, when responding to a complaint, shall be considered as responding Code One, and will be held strictly accountable for the safe operation of his/her vehicle.
- .60 Departmental personnel are authorized to utilize their vehicular emergency equipment, visual and audible signals, only in certain limited circumstances. Departmental policy shall demand close observation of all existing traffic laws, with a particular emphasis on the rights and duties of an officer responding to an emergency call for service, as defined in Section .80 of this Order.
- .70 The Berlin Police Department has established departmental guidelines defining the term "emergency call" under subsection A-1 of the Transportation Article 21-106. Departmental personnel shall adhere to these guidelines, and personnel found violating the guidelines shall face disciplinary action. Members are cautioned as to the potential civil liability arising from an accident.
- .80 An "emergency call" authorized response Code Three shall be authorized in the following circumstances:
- A. When the operator(s) of a departmental vehicle(s) is/are the "primary response unit(s) to the following calls for service":

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1. 10-50 PI: traffic accident with personal injury;
2. Assist Ambulance: when dispatch confirms a serious medical problem, such as cardiac arrest, drowning, or life threatening injury;
3. An officer in trouble, and requiring immediate assistance;
4. Rape in progress;
5. Attempted murder/aggravated assault in progress, or had just occurred;
6. Suicide in progress;
7. Robbery in progress;
8. Burglary/B & E in progress;
9. Fights (assaults) in progress;
10. Any other extraordinary situation which May 11, 2006 necessitate such response according to the discretion of the supervisor or officer in charge;
11. When engaged in a vehicular pursuit as referred to in General Order 400 E-2.

.90 An operator of a departmental vehicle is considered a "primary response unit" when he/she has been dispatched to a Code Three call, or has been authorized to respond to a Code Three call by a supervisor or an officer in charge. Officers who are not dispatched to a Code Three call or who do not obtain prior permission to respond to a Code Three call are in violation of departmental guidelines, if they respond Code Three to the call. All units dispatched to Code Three calls are considered primary response units.

.100 If an operator of a departmental vehicle is closer to the location of a Code Three call than the primary response unit and wishes to respond Code Three, then the operator must first advise dispatch of his/her location, and receive permission to respond from the supervisor or officer in charge, before proceeding Code Three.

.110 It must be remembered that this Order does not prevent units from responding Code One to the scene of serious incidents to assist officers already on the scene. This Order is designed to limit emergency response to those units closest to the scene of an emergency call for service, thereby reducing the dangers inherent in emergency response. It is not necessary for an unlimited number of departmental vehicles to respond to the scene of a real or perceived emergency.

.120 Operators of departmental vehicles may decide that there are times when it is advantageous for them not to use emergency equipment in the immediate area of a serious crime.

Example: A report of a bank robbery, just occurred. An officer responds 25 blocks using all emergency equipment and then shuts off his/her siren within the last 15 blocks to prevent the audible detection of his/her response to the crime scene.

.130 When an operator of a departmental vehicle decides to terminate the use of his/her emergency equipment, for whatever reason, then the operator must realize he/she is no longer considered in compliance with the definition of an emergency vehicle under State law. The officer must then be considered as responding Code One.

.140 It shall be the responsibility of the primary responder or supervisor at the scene to notify Communications in a timely manner when no additional units are needed at the scene of an emergency call for service. This shall include advising all other units who are responding Code Three to discontinue or modify their response.